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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 WESTERN DIVISION
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11 HAROLD VINCENT FRANKLIN,) No. CV 12-7411-R (PLA)
12 Petitioner,)
13 v.) **ORDER ADOPTING INTERIM REPORT**
14 CONNIE GIPSON, Warden,) **AND RECOMMENDATION**
15 Respondents.)
16

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire file de novo, including the
18 magistrate judge's interim report and recommendation, and the objections to the interim report and
19 recommendation that have been filed herein. The Court agrees with the recommendations of the
20 magistrate judge.

21 ACCORDINGLY, IT IS ORDERED:

22 1. The Court adopts the interim report and recommendation, and **grants in part**
23 respondent's Motion to Dismiss and **dismisses** Ground One of the Petition for lack of exhaustion,
24 and **dismisses** the portion of Ground Two challenging petitioner's classification status for lack of
25 habeas jurisdiction; and **denies in part** the Motion to Dismiss with respect to the portion of Ground
26 Two alleging a due process violation that resulted in a loss of credits.

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1 2. The clerk shall serve this order on all counsel or parties of record.
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5 DATED: March 27, 2013
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A handwritten signature in blue ink, appearing to read 'Real', is positioned above the printed name of the judge.

HONORABLE MANUEL L. REAL
UNITED STATES DISTRICT JUDGE